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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERVIN RIVERA,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION  
AUTHORITY AND METRO NORTH  
RAILROAD,

Defendants.

1:23-cv-05353-MKV

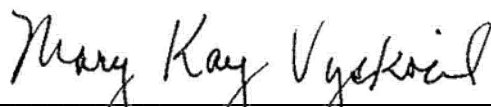
ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court has been advised by the mediator that the court-ordered mediation in this case was held and agreement was reached on all issues. [ECF No. 12]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by December 6, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

**SO ORDERED.**

**Date: November 6, 2023**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**